

**TOWN OF DARIEN  
ZONING BOARD OF APPEALS**



**RECEIVED**

**MAR - 9 2023**

**TOWN CLERK'S OFFICE  
DARIEN CT.**

**REGULAR MEETING  
AGENDA**

Wednesday, March 15, 2023     7:30 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce others' protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

**The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

**POSTPONEMENTS AND CONTINUATIONS**

Changes to the meeting agenda may occur after posting and would be announced at the beginning of the meeting.

**CALENDAR NO. 23-2022** TO BE REOPENED AND IMMEDIATELY RECONTINUED WITHOUT TESTIMONY TO APRIL 19, 2023 DUE TO A CHANGE IN PROJECT PLANS

The application of Nicholas Vitti and Murtha Cullina LLP on behalf of St John's Roman Catholic Church submitted on December 21, 2022 for variances of Sections 406, 906.6 and 944 of the Darien Zoning Regulations, to allow the construction of a mausoleum building; Section 406: 37.0 in lieu of 30.0 feet maximum allowable building height above the average perimeter building grade for the flat roof segments and 42.0 in lieu of 30.0 feet maximum allowable building height above the average perimeter building grade for the pitched roof segments; Section 906.6: parking, access drives, and turning areas within the front yard setback space; and Section 944: landscape buffer within the front yard setback space. The property is situated on the south side of Camp Avenue approximately 150 feet west of the intersection of Hoyt Street and is shown on Assessor's Map #31 as Lot #38, being 25 Camp Avenue and located in an R-1/3 (residential) Zone.

**PUBLIC HEARINGS**

**CALENDAR NO. 1-2023** The application of Matt & Melissa Kelley submitted on January 18, 2023 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one-half story chimney addition; Section 406: 24.0 in lieu of 25.0 feet minimum required west side yard setback. The property is situated on the west side of Christie Hill Road at the Leeuwarden Road intersection and is shown on Assessor's Map #29 as Lot #101, being 131 Christie Hill Road and located in an R-1 (residential) Zone.

**CALENDAR NO. 3-2023** The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Michael & Lauren Baraldi submitted on February 14, 2023 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch, and one story, two story, second story roof transition and covered entry additions; Section 406: 49.6 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Meadowbrook Road for the covered porch; and 53.9 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Meadowbrook Road for the additions. The property is situated on the south side of Meadowbrook Road accessed by a common driveway approximately 800 feet east of Brookside Road and is shown on Assessor's Map #14 as Lot #11, being 14 Meadowbrook Road and located in an R-1 (residential) Zone.

**DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing

comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

## **OTHER BUSINESS**

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Preliminary report of ZBA Committee considering the requested release of a performance bond, authorization for issuance of a Certificate of Occupancy and acceptance of amended plans for the Giovannis at Water's Edge canopy and site improvements construction approved in Calendar No. 32-2014 and by Stipulated Agreement.
  2. Approval of Minutes of meeting on September 21, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Matt Lauria, Dan Nalawade, Jana Romine, and Barb Hazelton.
  3. Approval of Minutes of meeting on September 28, 2022. ZBA members attending this meeting were Jeff Williams, Matt Lauria, Dan Nalawade, Gary Greene and Barb Hazelton.
  4. Approval of Minutes of meeting on October 19, 2022. ZBA members attending this meeting were Jeff Williams, Gary Greene, Jana Romine, Matt Lauria, Dan Nalawade, and Barb Hazelton.
  5. Approval of Minutes of meeting on October 26, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Barb Hazelton, Gary Greene, Jana Romine, and Matt Lauria.
  6. Approval of Minutes of meeting on November 16, 2022. ZBA members attending this meeting were Jeff Williams, Kevin Fullington, Dan Nalawade, Jana Romine, and Matt Lauria.
  7. Approval of Minutes of meeting on January 18, 2023. ZBA members attending this meeting were Kevin Fullington, Barb Hazelton, Jana Romine, Matt Lauria and John McGrath.
-

8. Review of Draft Policy regarding Outside Contacts with Members.
9. Possible scheduling of meeting with Town Counsel Wayne Fox to consider the justification value of reducing property nonconformities, recent case law and ZBA evaluation criteria.
10. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests.
11. Consideration of recommendations to the Planning & Zoning Commission for possible regulation changes, such as covered porch allowances or minimum lot width limitations.
12. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
13. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

## **ADJOURNMENT**